

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

EUGENE COLIS,

Plaintiff,

v.

RONALD E. WATSON, *et al.*,

Defendants.

No. 1:23-cv-01578-KES-EPG (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS TO DISMISS  
ACTION, WITHOUT PREJUDICE, FOR  
FAILURE TO PROSECUTE AND FAILURE  
TO FOLLOW COURT ORDER

Doc. 13

Plaintiff Eugene Colis is a county jail inmate proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This matter was referred to a United States magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

Plaintiff filed the complaint in this action on November 8, 2023. Doc. 1. Plaintiff alleged that a police officer used excessive force when he arrested him, and that jail officials denied him a complaint form. *Id.* The assigned magistrate judge issued a screening order on March 26, 2024, finding that plaintiff failed to state any cognizable claims. Doc. 12. The magistrate judge granted plaintiff leave to file, within thirty days, either a first amended complaint or a notice indicating he would stand on his complaint. *Id.* Plaintiff was warned that failure to comply with the court's order "may result in the dismissal of this action." *Id.* On April 18, 2024, the court's screening

1 order was returned as “Undeliverable, RTS, Unable to Forward.” *See* docket. Additionally, the  
2 court’s March 13, 2024 order reassigning the case to the undersigned was returned on April 15,  
3 2024, as “Undeliverable, Not in Custody.” *See* docket. That docket entry noted that plaintiff’s  
4 change of address was due by June 24, 2024. *Id.* Plaintiff has not filed an amended complaint,  
5 updated his address, or otherwise communicated with the court. *See* docket.

6 On May 9, 2024, the magistrate judge issued findings and recommendations  
7 recommending dismissal of this action for failure to prosecute and failure to comply with the  
8 court’s orders. Doc. 13. The findings and recommendations were served on plaintiff and  
9 contained notice that any objections were to be filed within thirty days after service. *Id.* On  
10 May 21, 2024, the findings and recommendations were returned as “Undeliverable, Not in  
11 Custody.” *See* docket. Plaintiff has not filed objections to the findings and recommendations,  
12 and the time to do so has passed.

13 In accordance with the provisions of 28 U.S.C. § 636(b)(1), this court has conducted a de  
14 novo review of the case. Having carefully reviewed the file, the court concludes that the  
15 magistrate judge’s findings and recommendations are supported by the record and by proper  
16 analysis.

17 Accordingly, IT IS ORDERED:

- 18 1. The findings and recommendations issued on May 9, 2024, Doc. 13, are ADOPTED in  
19 full;
- 20 2. This action is DISMISSED, without prejudice, for plaintiff’s failure to prosecute and  
21 failure to follow a court order; and
- 22 3. The Clerk of the Court is directed to close this case.

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25 IT IS SO ORDERED.

26 Dated: August 23, 2024

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UNITED STATES DISTRICT JUDGE